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REMARKS

This Amendment is responsive to the Final Office Action dated September 2, 2004. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination is respectfully requested.

In paragraphs 4-16 of the Office Action, the Examiner rejected claims 1-4, 6-14, 18-42 and 44 for anticipation under 35 U.S.C. 102, citing United States patent number 6,314,565 of Kenner et al. ("Kenner et al."). Applicants respectfully traverse this rejection.

Kenner et al. disclose a method for *updating software components* including automatic identification, retrieval, and installation of a selection of software components based on information contained in *a script file and furnished by a user*. The script file of Kenner et al. maintains information on *current version numbers for the software components*, and the Kenner et al. method checks that information against stored configuration information to determine whether any components need to be *updated*. If so, the Kenner et al. method simulates a manual transaction between the user terminal and a server storing the desired software component to be installed by following instructions set forth in the script file, and sending appropriate user information to the server. See Abstract.

The script file of Kenner et al. is described as containing information on a variety of multimedia codecs, including the most recent version numbers, specific capabilities of each codec, network locations from which the codecs can be obtained, browser compatibility information, and instructions on how to automatically acquire and install each codec. This information is used by the Kenner et al. system to query a registry, as shown in step 218 of Fig. 2 of Kenner et al. The codec information in the Kenner et al. script file is compared to the

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information stored in the registry to identify certain codecs that are either not installed on the user terminal, or for which new versions have been released. The user of the Kenner et al. system is given the opportunity to select which codecs to install, the corresponding software for the user selected codecs is acquired from the appropriate codec providers, and the software is installed to the user's system. See column 6, lines 40 through 55.

The analysis of which codecs described in the Kenner et al. script file are usable on a user system is performed based on information from a system registry indicating which codecs are installed on the user system. The registry of Kenner et al. includes information described which codecs are installed, and the version number of each installed codec. The registry of Kenner et al. is described as a system configuration file, such as those maintained in Microsoft Windows 95 and Windows NT, with regard to which application programs can post and retrieve registry information to determine or alter system and software configuration data. The information in the user supplied script file of the Kenner et al. system is described specifically as consisting of codec names, version numbers, and compatibility information. The result of comparing the user supplied script information with that of the registry in the Kenner et al. system is a list of newly available and uninstalled codecs. Kenner et al. foresees the possibility of storing codec configuration information outside of the registry, such as in configuration files provided to browser programs to indicate the availability of installed codecs. See column 7, lines 1 through 32.

Nowhere in Kenner et al. is there disclosed or suggested any system or method for performing a service on a network device, which includes:

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... installing the service on the network device from another location, the service having a corresponding set of service relationships;
checking the service relationships of the loaded service against a stored service registry, *wherein the service registry includes indications of services and indications of dependencies of services on other services, and wherein the checking the service relationships of the loaded service includes determining whether all other services the loaded service depends on are available;* and
causing the service to be executed on the network device only if the services the loaded service depends on are available. (emphasis added)

As in the present independent claim 1. Independent claims 18, 35 and 43 include analogous features. In contrast to the presently claimed system, the registry or other configuration information of Kenner et al. includes information regarding what software (codecs) are installed on the client system, and the versions of that installed software. This follows logically from the fact that Kenner et al. is concerned with bringing software up to date using the most current versions of that software that are currently available, and locating those most current versions for downloading. Nothing in Kenner et al. is concerned with determining *dependencies of downloaded software before installing or executing it*, as in the present independent claims. In addition, the script files of Kenner et al. similarly do not describe dependencies between software services, but instead describe version numbers and browser compatibility information. Moreover, the script files of Kenner et al. are not registries, but are *user provided*. Also, the information in the script files of Kenner et al. is used to determine the most recent versions of software and the locations of those most recent versions for obtaining in the event that the system registry indicates that the most recent versions are not installed on the client system. Finally, the outcome of the Kenner et al. process is the downloading and installing of one or more user selected, latest-revision codec images, without regard to any service inter-dependencies, as are directly considered by the present independent claims.

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For the above reasons, Applicants respectfully urge that Kenner et al. does not disclose or suggest all the features of the present independent claims 1, 18, 35 and 44. Accordingly, Kenner et al. does not anticipate the present independent claims 1, 18, 35 and 44 under 35 U.S.C. 102. As to claims 2-4, 6-14 and 19-42, they each depend from claims 1, 18 and 35, and are believed to be patentable over Kenner et al. for at least the same reasons.

At paragraphs 17-21, the Examiner rejected claims 5, 15-17 and 43 for obviousness under 35 U.S.C. 103, again citing Kenner et al., and additionally citing United States patent number 5,954,797 of Sidey ("Sidey"). Applicants respectfully traverse this rejection.

Sidey discloses a network management system for maintaining compatibility among network nodes that operates using a polling circuit that retrieves node configuration information from the plurality of nodes, and a comparison circuit that compares selected node configuration information associated with a first selected one of the plurality of nodes with known-good node configuration information to determine a level of compatibility of the selected node with the known-good node configuration. The relevant disclosure of Kenner et al. is discussed above with respect to the rejection under 35 U.S.C. 102.

Nowhere in the combination of Kenner et al. with Sidey is there disclosed or suggested any system or method for performing a service on a network device, which operates by:

... installing the service on the network device from another location, the service having a corresponding set of service relationships;

checking the service relationships of the loaded service against a stored service registry, *wherein the service registry includes indications of services and indications of dependencies of services on other services, and wherein the checking the service relationships of the loaded service includes determining whether all other services the loaded service depends on are available;* and

causing the service to be executed on the network device only if the services the loaded service depends on are available. (emphasis added)

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As in the present independent claim 1, from which claims 5 and 15-17 depend, and independent claim 43. While Sidey disclosed that a managed node may be a router, like Kenner et al., Sidey includes no hint or suggestion of even the desirability of providing any system for *checking a registry for the presence or absence of software components that are depended on by the software component that itself is downloaded*, as in the present independent claims 1 and 43.

For the above reasons, Applicants respectfully urge that the combination of Kenner et al. and Sidey does not disclose or suggest all the features of the present independent claims 1, from which claims 5 and 15-17 depend, or independent claim 43. Accordingly, the combination of Kenner et al. and Sidey does not support a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to the present independent claims 1 and 43, and dependent claims 5 and 15-17 are believed to be patentable over the combination of Kenner et al. and Sidey for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

In view of the above, Applicants respectfully request that all rejections and objection of the Examiner be withdrawn. All claims are believed to be allowable, and the application is believed to be in condition for allowance. Favorable action is respectfully requested.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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